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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/259,420 02/26/99 DAWSON

T 834DAW

EXAMINER

PM82/0521

JAMES M. LEAS, ESQ.
37 BUTLER DRIVE
SOUTH BURLINGTON VT 05403

MALCOLM, T	
ART UNIT	PAPER NUMBER

3629

9

DATE MAILED:

05/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/259,420

Applicant(s)

DAWSON, TYLER R.

Examiner

Tomlyne A Malcolm

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14-16, 21-30, 34 and 36 is/are rejected.
- 7) ☒ Claim(s) 2-13, 17, 32, 33, 35, 37 and 38 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 10 October 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,21,23,24,34,36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wahler et al., Patent No. 2 363 722 . Wahler discloses a hub comprising of a first opening extending axially into the hub , the first opening having an inner surface ; an integral key (6) extending radially inward from the inner surface of the first opening, and an integral stop (4") extending across at least a portion of one of the first and second ends of the first opening .

In regards to claim 21, Wahler discloses a hub comprising of means integral with the inner surface of the first opening (see Fig.1); an integral stop (4") extending across at least a portion of one of the first and second ends of the first opening.

In regards to claim 23, Wahler teaches the means integral with the inner surface comprising one or more flat surfaces (area under 6 in figure 1).

In regards to claim 24, Wahler teaches that one or more flat surfaces form a first opening having a generally polygonal cross-section (Fig.2).

In regards to claim 36, Wahler discloses a hub comprising of a mounting surface (Fig.1) ; a first face and a second face and an opening extending from the first face toward the second face (Fig.1), an integral stop (4") extending across a portion of the opening

Claim 34 is rejected under 35 USC 102 (b) as being anticipated by Johnson et al, U.S. Patent No. 4,525,094. Johnson discloses a hub (Fig.1) comprising, a first face and a second face , an opening extending there between (28), the opening having a length between the first face and the second face, the opening having a circular shape except for an integral key (30) substantially the entire length of the opening, the opening and the integral key having a keyway.

Note to applicant: the term "hub" defined by Webster is , "the central part of a circular object". In Johnson, even though the reference clearly states that (20) is a bushing for installation into a corresponding hub , broadly interpreted, the " bushing " could be considered a hub because it is the central part of a circular object. Johnson states , in the first line of the Abstract on page 1, " A split , circular flanged bushing for securing driving of driven elements , such as sheaves, pulleys and the like to a rotatable shaft."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

In regard to claims 14-16, claim 14 is a product by process claim and is not given patentable weight, since claims 15-16 further limits claim 14, they are also rejected. However Johnson U.S. Patent No. 4,525,094 teaches powdered metal elements are well known in the art.

Claims 25 through 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahler, as discussed above. Wahler lacks the teaching of a hub having an outer peripheral surface portion having a pyramidal, elliptical cylindrical, conical or splined form. It would have been obvious to one of ordinary skill in the art as a matter of design choice to make the outer peripheral surface portion having a pyramidal, elliptical cylindrical, conical or splined form, since it has been held that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Allowable Subject Matter

Claims 2-13, 17-20, 31-33,35 and 37-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 through 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomlyne A Malcolm whose telephone number is 703-305-1566. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne, can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



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Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3620